PATENT

Atty Docket No.: 10004741-1
App. Ser. No.: 09/915,531

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. Claims 1-16 and 18-24 are pending in this application, of which claims 1, 19, 20 and 21 are independent. Claims 1, 5-13 and 19-20 are rejected under 35 USC 103 (a) as being allegedly unpatentable over Dillon in view of Westhead. Claims 2-4 and 14-16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dillon in view of Westhead, and further in view of Applicants Admitted Prior Art ("AAPA"). These rejections are respectfully traversed for the reasons set forth below. Claims 17 and 18 were objected to as including allowable subject matter.

Drawings

It is noted with appreciation that the office action indicates the corrected formal drawings submitted on November 15, 2004 are accepted.

Allowable Subject Matter

The Examiner indicated that claims 17-18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowability.

Claim 1 has been amended to include all the features of allowable claim 17 and claim 17 has been canceled. Accordingly, claims 1-16 and 18 are now allowable. Independent claims 19-21 have been amended to include the features of claim 17. Accordingly, the remaining pending claims are also now allowable.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 1, 5-13 and 19-20 are rejected under 35 USC 103 (a) as being allegedly unpatentable over Dillon in view of Westhead. Claims 2-4 and 14-16 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Dillon in view of Westhead, and further in view of Applicants Admitted Prior Art ("AAPA").

As described above, all the independent claims have been amended to include the features of allowable claim 17. Accordingly, claims 1-16 and 18-24 now allowable.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

PATENT

Atty Docket No.: 10004741-1
App. Ser. No.: 09/915,531

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Osamu S. Nakagawa et al.

Dated: March 21, 2005

By _____
Ashok K. Mannava
Reg. No.: 45,301

MANNAVA & KANG, P.C.
8221 Old Courthouse Road
Suite 104
Vienna, VA 22182
(703) 652-3822
(703) 880-5270 (facsimile)